

And Senate Concurrent Resolution No. 3 was adopted.

Mr. Bailey introduced—

Senate Concurrent Resolution No. 6:

Resolved, That a committee of three from the Senate and five from the House be appointed to consider the most advisable system to be adopted for the employment of the State convicts.

Laid over under the rules.

Mr. Broome moved that the rules be waived and that Senate Concurrent Resolution No. 3, adopted by the Senate, be at once communicated to the House;

Which was agreed to, and it was so ordered.

Mr. Dougherty moved that the Senate adjourn until noon to-morrow;

Which was agreed to.

Thereupon the Senate stood adjourned until 12 o'clock noon to-morrow.

## WEDNESDAY, APRIL 7, 1897.

The Senate met pursuant to adjournment.

The President in the chair.

The roll being called, the following Senators answered to their names:

Mr. President, Messrs. Adams, Bailey, Barber, Blich of 20th, Blich of 21st, Broome, Bynum, Carson, Chipley, Clark, Crosby, Daniel, Darby, Dimick, Dougherty, Fuller, Gailard, Hartridge, Hendly, Hooker, Myers, McLin, Palmer of 11th, Palmer of 14th, Peacock, Phipps, Reeves, Roberts, Thomas, Wadsworth and Williams—32.

A quorum present.

Prayer by the Chaplain.

On motion the reading of the Journal was dispensed with.

The Journal was corrected and approved.

## Introduction of Resolutions, Petitions and Memorials.

Mr. Chipley introduced the following Concurrent Resolution:

## Senate Concurrent Resolution No. 7:

Resolved, That the President of the Senate appoint a committee of three to co-operate with a committee that the House may appoint for the reception and entertainment of the Honorable Wm. J. Bryan upon the occasion of his first visit to the capital of the State in response to an invitation of the Legislature.

Mr. Chipley moved its adoption.

Mr. Broome offered the following as a substitute for the above:

Whereas, The Hon. Wm. Jennings Bryan having by wire accepted the invitation tendered to him by the Senate and House of Representatives to address them,

Be it resolved, That the President of the Senate appoint a committee of five (5) to co-operate with such committee as the House may appoint for the reception and entertainment of this young and distinguished American statesman.

Mr. Chipley accepted the substitute.

Mr. Broome moved the adoption of his substitute for Senate Concurrent Resolution No. 7;

Which was agreed to.

Mr. Broome moved that the rules be waived, and that the substitute for Senate Concurrent Resolution No. 7, just adopted, be communicated to the House at once;

Which was agreed to by a two-thirds vote, and it was so ordered.

Mr. Reeves introduced the following resolution:

## Senate Concurrent Resolution No. 8:

Resolved by the Senate, the House of Representatives concurring, That a special committee consisting of three from the House of Representatives and two from the Senate, be appointed to investigate and report the condition of the Insane Asylum at Chattahoochee, not later than April 20th;

Which was read the first time and laid over under the rules.

The President announced that in calling the next order of business, bills would be introduced and referred to their appropriate committee when appointed.

## Introduction of Bills.

By Mr. Dougherty.

## Senate Bill No. 1:

A bill to be entitled an act to prevent the sale or gift of intoxicating liquors to the Seminole Indians, and to provide a penalty therefor;

Which was read the first time by its title.

By Mr. Blitch of 20th:

Senate Bill No. 2:

A bill to be entitled an act to prevent illegal voting at primary elections;

Which was read the first time by its title.

By Mr. Blitch of 20th:

Senate Bill No. 3:

A bill to be entitled an act to provide for the inspection of all phosphate mined in the State of Florida; to appoint a Commissioner of Phosphates, and to define his authority and his duties, and to provide for the collection of inspection fees therefrom, and to prohibit persons and corporations from exporting, buying, shipping or putting on board ship phosphates contrary to the provisions of this act;

Which was read the first time by its title.

By Mr. Blitch of 20th:

Senate Bill No. 4:

A bill to be entitled an act to provide for the establishment of pauper houses and farms in this State;

Which was read the first time by its title.

By Mr. Hartridge:

Senate Bill No. 5:

A bill to be entitled an act to enable a married woman who is a free dealer, to sell, convey or mortgage her property;

Which was read the first time by its title.

By Mr. Chipley:

Senate Bill No. 6:

A bill to be entitled an act to establish a Battalion of Naval Militia, to be known as the Naval Reserve Battalion of Florida Volunteers;

Which was read the first time by its title.

By Mr. Dimick:

Senate Bill No. 7:

A bill to be entitled an act to repeal so much of an act entitled "an act to provide for the registration of all legally qualified voters in the several counties of the State, and to provide for general and special elections, and for the returns of elections," approved May 25, 1895, as requires the payment of poll taxes on or before the second Saturday of the month immediately preceding the general election; and to provide for the payment of poll taxes up to and on the day of any general election; and to provide for the appointment of deputy collectors to receive poll taxes at each voting precinct on the days of general elections;

Which was read the first time by its title.

By Mr. Dimick:  
Senate Bill No. 8:

A bill to be entitled an act to amend an act entitled an act to provide for the establishing, working, repairing and maintaining the public roads and bridges of the several counties of this State, and to provide penalties for the failure thereof;

Which was read the first time by its title.

By Mr. Thomas:

Senate Joint Resolution No. 9:

Proposing an amendment to section 30 of article 16 of the Constitution of the State of Florida.

Mr. Palmer, of 11th, moved that the rules be waived, and that Senate Joint Resolution No. 9 be read the first time in full;

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 9 was read first time in full.

By Mr. Broome:  
Senate Bill No. 10:

A bill to be entitled an act relating to the fire insurance policies, prescribing a rule of evidence, and measure of damage in case of loss;

Which was read the first time by its title.

By Mr. Reeves:

Senate Bill No. 11:

A bill to be entitled a general act relating to negotiable instruments, being an act to establish a law uniform with the laws of other states on the subject;

Which was read the first time by its title.

Mr. Reeves moved that the rules be waived, and that the Senate take up the message from the Governor received yesterday.

Which was agreed to by a two-thirds vote, and the Governor's Message was taken up.

Mr. Reeves moved that the Governor's Message be spread upon the Journal, and that with the exception of that portion relating to "uniformity of legislation in the United States," on pages 40 and 41, the reading of the Message be dispensed with;

Which was agreed to.

The Governor's Message is as follows:

STATE OF FLORIDA, }  
EXECUTIVE OFFICE, April 6, 1897. }

*Gentlemen of the Senate and House of Representatives:*

I welcome you to the Capitol of your State, in discharge of the high duties to which you have been summoned, as the Representatives of the people of Florida, and holding their commission to legislate for their welfare.

You are the recipients of the highest honor and trust, and the future of our State is largely in your hands. As intelligent Legislators, and responsible fiduciaries, you will look alone to the prosperity and welfare of a worthy and confiding constituency, and, I trust, secure for your work the high encomium—"Well done."

We take up the work of the Legislative and Executive departments of the government at a period of great financial depression and business uncertainty; and while State Governments are not responsible for those unsatisfactory conditions, yet a due regard for the situation demands, at our hands, the greatest economy consistent with an efficient and progressive administration.

#### FINANCIAL.

Florida's financial condition, notwithstanding the panics and other destructive forces from which she has suffered, is most gratifying. Her Comptroller's warrants pass current in the banking institutions and moneyed marts of the country; the small amount of bonds she has outstanding in the hands of individuals are at a premium, although they have but a few years to run; she has no floating debt, and has cash in the Treasury to meet all legitimate expenses. Her entire debt is not over \$2.50 per capita, being less than any

State in the Union, and her State tax proper is smaller than any Southern State.

Let this be an incentive, not to extravagance, but to earnest efforts to preserve our financial standing, and at the same time make the burden of taxation as light as possible.

It will be seen from the reports of the Comptroller that the total amounts of warrants issued in 1895 amounted to \$714,013.36, and in 1896, \$647,864.85.

These sums include not only the appropriations made by the Legislature, but the Constitutional School tax of one mill, the interest upon the Common School fund, and the expenses of the State Board of Health. They do not include the interest upon the bonded debt, which is paid by the Treasurer upon the presentation of the coupons representing said interest.

The bonded debt of the State is as follows:

BONDS OF 1871.

Seven per cent. bonds, 1871, interest payable annually, January 1st:

Amount issued .....	\$350,000 00
Deduct amount in Sinking Fund .....	82,300 00
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	\$267,700 00
Deduct amount in School, Seminary and Agricultural College Funds .....	\$175,600 00
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	\$92,100 00

## BONDS OF 1873.

Six per cent. bonds, 1873, interest payable semi-annually,  
January and July:

Amount issued.....	\$925,000 00
Deduct amount in Sinking Fund.....	160,200 00
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	\$764,800 00

Deduct amount in School, Seminary and Agricultural College Funds.....	\$500,200 00
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	\$264,600 00

Total seven and six per cent. bonds in hands of individuals.....	\$356,700 00
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The \$100,000.00 borrowed in 1889, and the \$100,000.00 borrowed in 1891, both under Legislative sanction, have been secured as an investment by the "Common School Fund" and "Internal Improvement Fund," as shown in the Comptroller's Report for 1896.

The State's entire debt, then, for all purposes, is \$1,232,500.00.

Of this sum the State holds in her educational funds and under her control, \$850,800.00, and her Internal Improvement Fund holds \$25,000.00, leaving in hands of individuals \$356,700.00.

## TAXATION.

The vexed question of taxation is always with us. Adam Smith's celebrated canons, "equality, certainty, convenience and economy," have not been improved upon as maxims of taxation, but to secure such results in practice has baffled the best statesmanship of all times. Equality of taxation, in its last analysis, should be but equality of sacrifice.

The Legislature of 1893 took steps in that direction by taxing the stock of National banks, increasing the revenue from insurance companies, taxing sleeping

cars a small per cent of their incomes derived from business in the State, and securing some interest upon the idle moneys in the Treasury. Can we not advance in the same direction?

#### COLLATERAL INHERITANCE TAX.

Ever since Mill advocated the imposition of extremely heavy succession duties, with the object of promoting a better distribution of National wealth, and compelling individuals to be more self-reliant, financiers have given more thought to an inheritance tax. Many claim that everything that passes by inheritance should be subject to a proper contribution to sustain the government that authorizes and protects such transfers; and many States collect large revenues on that broad basis.

While objections might be raised to such contributions when exacted from property passing in immediate succession, as from husband to wife, or parent to child, no reasonable grounds of opposition can be raised for a legitimate tax on such property as, through the protection of the statute, comes into the possession of persons or corporations who have no such direct claim upon those from whom it is derived.

Since recommending a tax on collateral inheritance, in a report two years ago, several cases have come under personal observation, where a legitimate and proper contribution should have been exacted from such sources, for public purposes.

Why cannot Florida enter those channels that have been successfully explored by other commonwealths?

#### TAX ON LITIGANTS.

Our revenue law of 1893 provided that \$1.00 should be paid before any civil action could be docketed in any court, other than Justice of the Peace Courts. The Legislature of 1895, in enacting an entirely new

revenue law, unwittingly, it is believed, omitted this section. Under it, the State derived a revenue of about \$4,000.00 per annum.

This provision should be ~~re-enacted~~, and in addition, a jury tax of \$6.00 in every civil suit where a jury is demanded, other than a Justice Court, should be collected and taxed as other costs against the losing parties.

This jury tax is collected in other States upon the ground that a very small percentage of the people ever have civil suits in the higher courts, but are annually compelled to pay taxes for the payment of jurors and court expenses for the benefit of the few, many of whom from disposition and habit are chronic litigants. Such a tax would lessen the demand for jury trials, and thus save the counties and the State.

The amount arising from these two sources should go into the "Fine and Forfeiture" fund of the respective counties, and thus directly benefit the tax payers of the counties where the trials take place.

It may not be inappropriate here to say that many of the States charge a fee or tax upon extradition warrants issued in response to requisitions from the Executives of other States.

There are no valid reasons why Florida should not make a charge of \$2.00 for each extradition warrant, to be paid into the general revenue of the State.

#### BANK TAXATION.

The inequality of assessments for purposes of taxation is well illustrated in the valuations given to bank stock. An examination of the assessment rolls of the respective counties where banks are located, presents this inequality in an unmistakable manner.

Solvent, successful banks give in their capital stock at from fifteen cents on the dollar, up, while such stock

of many of said banks would bring a large premium if offered for sale.

To secure a nearer approach to equality, I would respectfully recommend that all bank stock be assessed in the manner that railroad property is now assessed. Let the Comptroller, with the "assistance and advice of the Attorney-General and Treasurer of the State," be empowered to make the assessment, and notify the Assessors of the value placed upon such stock.

In this connection, it is not improper to state that it is estimated that the personal property of a State, including of course credits, bonds, mortgages, stock, etc., is about equal to the value of its real estate. The assessment rolls of the country, however, show a continuous depreciation in the amount of personal property assessed; and Florida is no exception to the rule. In 1887, the assessed value of personal property in this State was \$19,357,499.00. In 1896, nine years thereafter, it declined to \$16,066,322.00, notwithstanding that nearly one million of bank stock had, in the meantime, been added to the assessment. This is about one sixth of the assessed value of the property of the State, and is conclusive of the fact that a very small percent of the invisible property and wealth of the State appears upon her assessment rolls. The efforts of other States to cure similar defects can be presented to appropriate committees, and the entire question is worthy of your most thoughtful consideration and investigation.

#### EXAMINATION OF BANKS.

Nothing tends to strengthen confidence in a community better than a good rating in all business transactions. The banks are a good reflex of such standing, and their frequent examination is the best mode of securing watchful care and conservative operations in their business methods. It is also due to the pub-

lic that the State should see that the moneyed institutions she charters are worthy of public confidence.

We have a general banking law which experts pronounce a reasonably good law, and no incorporations of such institutions should be allowed except under that law. Some State banks now claim that the Comptroller has no authority to call on them for reports, or to examine their books, because they have special legislative charters.

While the question is not settled, I would recommend that Sections 2190 and 2191, R. S., be so amended as to bring all banks incorporated under the general law, or by special enactment, under the provisions of said acts.

Section 2191, R. S., should be so amended as to authorize the Comptroller, with the approval of the Governor, to compensate the examiner by payment direct from the Treasury, and the Comptroller to collect the amount from the bank examined. Of course he should be clothed with such powers as would necessarily secure a prompt settlement from an examined bank, and the Treasury at once reimbursed.

Competent examiners cannot be secured if they are to depend for their compensation upon a possible lawsuit with the bank, and it is better in all respects for such examiners to be paid directly by the State.

Section 2190, R. S., should be so amended as to require the banks making the reports, to publish each of said reports in some paper published in their town or city, at the time it is forwarded to the Comptroller. There is no better safeguard than full publicity to everything connected with moneyed institutions. Publicity is also the corner stone of confidence.

Our State banks are achieving an enviable reputation, and it should be the earnest desire of all to still

further elevate their standing, as it will be a protection to depositors, and greatly add to the reputation of our State.

#### DEPOSITING PUBLIC MONEYS.

Chapter 4157, Laws of Florida, authorizes the Governor, Treasurer and Comptroller "to deposit, subject to call, the moneys of the State in such banks in the State as will offer the best inducement as to interest and security."

The law in its operation has furnished security for the public funds, deposited under it and has in three years, brought in a revenue of \$9,428.19. The amount of interest for these deposits for the year 1896, amounted to \$3,810.63. The Comptroller's report shows only \$2,107.50 for that year, but that report presents the transactions up to December 31st, 1896, and a considerable portion of the interest for 1896 was paid into the Treasury after that date.

I would recommend that the law confine the securities that may be received under it to United States bonds, and the bonds of the several States, and county and municipal bonds of the State of Florida; these securities to be taken at such value (not above their par value) as the three officials may determine. It should also direct the manner by which the Treasurer should dispose of the collaterals in case of default by the bank.

Let the Treasurer then be prohibited from keeping any moneys in any bank unless he has such collaterals. The only exception should be a New York depository selected by the Governor, Comptroller and Treasurer, where the State could keep sufficient funds to meet her interest obligations.

It is to be hoped the Legislature will take prompt action upon this important matter.

## FAILING TO PAY OVER PUBLIC MONEYS.

If punishment by imprisonment was certain to follow the retention of public moneys by those not authorized to keep or use the same, we would have no defalcations. I would recommend that the law be so amended that where an officer failed, neglected, omitted or refused to pay over any public moneys to any official or person authorized by law to receive the same for more than thirty days after collection, that fact should be *prima facie* evidence of fraudulently converting the moneys to his own use, and punishable by imprisonment in the Penitentiary and a fine equal to the amount collected. Good and prompt officials would have nothing to fear, and those that might be careless, be saved from their carelessness.

## DIRECT TAX REFUNDED.

On March 2nd, 1891, an act of Congress was approved by the President, directing the payment to the several States of all moneys collected under the direct tax levied by the act of Congress approved August 5th, 1861; where this direct tax was collected directly, or by sale of property, from the citizen or inhabitant, the sum appropriated to the State had to be held in trust for the benefit of such persons or their legal representatives.

The act provided that "All claims under the trust, hereby created, shall be filed with the Governor of such State or Territory, and the Commissioners of the District of Columbia, respectively, within six years next after the passage of this act; and all claims not so filed shall be forever barred, and the money attributable thereto shall belong to such State or Territory or the District of Columbia, respectively, as the case may be."

Under this act, Governor Fleming received on March 8th, 1892, \$4,766.26, and in September, 1893, Governor

Mitchell received \$33,719.80, making a total held in trust by the Executive of the State, of \$38,486.06. All of this sum was paid out in execution of the trust except \$8,093.88. Governor Mitchell forwarded to this office, on January 18th, 1897, a check on the Merchants National Bank of Jacksonville, for this balance of \$8,093.88.

Claims amounting to \$1,173.43 are now on file, but as sufficient evidence of authority, etc., has not been presented, they have not as yet been allowed.

The time for allowing claims to be filed having expired on March 2d, last, the remainder of the money, after deducting the \$1,173.43, belongs to the State. This would leave \$6,920.45 that should now go into the State Treasury. Any portion of the \$1,173.43 that may be left after the settlement of the pending claims, will also have to go into the Treasury. The suspension of the bank has precluded a settlement up to this time.

Governor Mitchell gave me an order on the State Treasurer for \$10,000.00 of Duval county bonds, held by him as collateral security for the sum of \$8,093.88. Those bonds are now in the Treasurer's possession awaiting the payment of the \$8,093.88.

#### REVENUE LAW.

It is a mistake to enact a new revenue law at each session of the Legislature. Even when additions and changes have been confined to a few sections of the law, the custom has been to have an entirely new copy with some 65 or 70 sections enacted, entailing extra clerical work and useless consumption of time.

It happens, at times, that in transcribing the large portions of the law that are not intended to be changed, clerical errors are made, and we find a law different from what was intended by the Legislature.

Enacting new revenue laws also tends largely to confuse tax-payers. By the time Assessors, Collectors and tax-payers become familiar with the provisions of one revenue law, another is in force.

It would be much better simply to change the sections desired, and the Comptroller in preparing his pamphlet copy for the use of county officials, could have the newly enacted sections properly noted.

A few suggested changes in the present law will be submitted to the appropriate committee.

#### TAX CERTIFICATES.

Under Chapter 4011, Laws of Florida, all lands upon which taxes had not been paid by the first Monday of April of any year, had to be certified to the State by the Collector. The State's title to said lands matured in two years from said certification, and then said lands were priced and placed under the charge of the Commissioner of Agriculture for sale.

This law was enacted in 1891, and repealed in 1893; thus leaving all certificates for tax lands for the two years in charge of the Commissioner of Agriculture, and all tax deeds issued for same have to be executed and signed by the Governor and Secretary of State.

Tax certificates for all other years are held by the State Treasurer, and he is authorized to sell such certificates; and the Clerk of the Circuit Court of the county in which the lands are situated is required to execute to the purchaser a tax deed to the lands embraced in said certificates.

Thus we have two tax deeds under our laws. One executed by the Governor and Secretary of State for all lands certified in the years 1892 and 1893, and the other executed by the clerk of the court for all lands sold for taxes for all other years.

Not only are the two tax deeds by different officials objectionable, but as the system is worked, it is un-

satisfactory. The lands which the Commissioner of Agriculture has the authority to sell are also subject to redemption at any time prior to sale. The Treasurer having the authority to redeem, the work between the two offices is frequently conflicting.

I would respectfully recommend that all tax certificates issued under Chapter 4011, Laws of Florida, be transferred to the legal custody of the Treasurer, and held by him subject to sale or redemption as all other tax certificates are held; and deeds to issue for the lands embraced in said certificates, by the Clerks of Circuit Courts as now provided by law. The details of the work as now required, present many reasons why the transfer should be made.

#### DEFICIENCIES.

The Legislature of 1895 passed an act to "Provide for the taking of the Census of the State," and allowed for compensation for the service at the rate of three cents per capita, "including farms and manufactories."

The law also allowed the Secretary of State and Commissioner of Agriculture such amounts for printing and incidental expenses as might be required, and appropriated \$8,000.00 for the purpose of carrying the act into effect.

With a population of nearly 500,000, and farms and manufactories numbering about 40,000, to say nothing of the amounts for printing and incidental expenses, it is difficult to see how the Legislature could for a moment suppose that the appropriation of \$8,000.00 could meet the expense. The exact sum required to supply the deficiency will be furnished the appropriate committees by the Comptroller.

In the estimates from the Comptroller's office, presented to the Legislature of 1895, was the usual estimate of \$55,000.00 per annum for the assessment and collection of Revenue—or \$110,000.00 for the two

years from July 1st, 1895, to July 1st, 1897. Experience had demonstrated this sum as necessary under the commissions, etc., allowed by law, and it had been appropriated by former Legislatures.

The last Legislature, however, reduced the appropriation to \$45,000.00 per annum, or \$90,000.00 for the two years, and left the same commissions, expenses, etc., to be met. Of course a deficiency was inevitable under such an appropriation, and the difference between the estimate from the Comptroller's office and the sum appropriated, (amounting to \$10,000.00 per year, or \$20,000.00 for the two years), is about the amount of the deficiency to be met.

The estimates for appropriations for such purposes are always carefully calculated by the Comptroller, and should not be lowered unless the laws requiring the expenditures are changed. If the laws require expenditures, the reduction of appropriations does not lessen the State's obligations, but only creates deficiencies; and there is no economy in having deficiencies.

#### REDEEMING LANDS.

For many and serious reasons which will be at the command of the proper committee, I would urge upon the Legislature to have all redemptions made through the State Treasurer.

It should be made unlawful for any one to receive moneys for redemption except the Treasurer, and he should be required to collect the 50 cents fee for the Clerks, which should be their compensation for noting the redemptions on the records in their office, as reported to the County Commissioners each quarter by the Comptroller.

This recommendation was made by my predecessor, and it is now renewed with the hope that the whole

question will receive careful consideration at your hands.

If the Legislature, in its wisdom, concludes that it is better to still continue redemptions in the counties, then there must be vigorous safeguards thrown around the transaction to the end that the public interest shall be better protected.

#### EDUCATION.

In this age of advanced thought, it is scarcely necessary to call attention to popular education as the best safeguard of constitutional liberty. In our Republican form of government, where public questions are settled by the popular will, that will must be educated, or the government will sooner or later prove a failure. Free government and ignorant suffrage are not in harmony. Universal suffrage demands universal education as its protector; for while the ballot is a most potent agency to correct public grievances, there is none more dangerous to free government when wielded by ignorance.

It has been well said that "maximum education makes a minimum government possible, and secures maximum liberty," and it can well be added that ignorance is the fruitful mother of public burdens, and contributes but little to the public weal or wealth.

Florida's educational growth is therefore a subject of generous congratulation. At the close of the school year in June, 1896, we had in operation 2350 schools, and the enrollment of pupils had increased to 100,373 divided as follows: Whites, 63,586; Colored, 36,787. We expended during that year something over \$700,000.00 for school purposes.

All of our institutions of learning are well patronized, and public sentiment stands ready to sustain all legitimate efforts for their further and broader usefulness.

For detailed information regarding our higher educational institutions as well as our common school system, I beg to refer you to the report of the State Superintendent.

#### INDIAN WAR CLAIM.

What is known as the Indian Trust Fund of the United States, holds \$132,000.00 of our bonds. These bonds were issued by the State authorities to raise funds for the suppression of Indian hostilities growing out of the Seminole War of 1855-1857 and were bought by the United States for the Indian Trust Fund.

The amount has for many years been excluded from the interest bearing debt of the State for the satisfactory reason that the State holds valid and legal claims against the Federal Government for necessary expenses incurred in suppressing Indian hostilities, largely in excess of this obligation. These claims have been recognized and approved by both Executive Departments of the War and the Treasury, and sustained by numerous reports of committees of the United States Congress. Bills have passed both the Senate and House, at different sessions of Congress, directing the payment of these claims, but unfortunately not passing each House during the same session. There can be no question as to the validity of the claims.

Senator Pasco, reporting from the Committee on Claims, of the United States Senate, under date of February 12th, 1896, gave the estimate of the Secretary of the Treasury, which shows the *balance* due the State of Florida on January 1st, 1890, to be \$567,954, 50. The interest from that period would of course largely augment this sum.

Owing to the long deferred action in this claim, the State has suffered grave and serious detriment. By an act of Congress, approved March 3d, 1845, entitled

‘An act supplemental to the act for the admission of Florida into the Union,’ it is expressly stipulated and provided “that in considerations made by the State of Florida in respect to the public lands, there be granted to the said State five per centum of the net proceeds of the sale of lands within said State which shall hereafter be sold by Congress, after deducting all expenses incident to the same; and which net proceeds shall be applied by said State for the purposes of education.”

The department at Washington holds that as the State has not paid the amount borrowed from the Indian Trust Fund, (although she holds a much larger acknowledged claim against the general government), the money arising from the five per cent. on sales of land cannot be paid. This is an educational fund, agreed to be paid to the State “in considerations made by the State of Florida in respect to the public lands,” and should not be withheld. I have not the exact data as to the amount, but from information received, there are about seventy thousand dollars due the State from this source—being the accumulation since the State’s admission into the Union.

Again, whenever the State can prove that any of the land disposed of by the United States Government for *money*, belonged to the State, under the conditions of the act of September 28th, 1850, commonly known as the swamp act, the State claims, and the government allows, the money to go to the State as indemnity. There are about fifty thousand dollars due the State from this source; now held on account of this claim. It will thus readily be seen that the settlement of this Indian War claim is a matter of importance to the State.

Why Congress should persist in being so ungenerous to one of the States of the Union seems incomprehensible. With an admitted claim, amounting

now to over \$800,000.00, our efforts should not slacken, but the question should be agitated and pressed to a successful termination.

It would be well for the Legislature to memorialize Congress, calling attention to the great injustice being done this State, and urging the equity and justice of an early settlement. Such a memorial might give additional strength to the worthy efforts of our Senators and Representatives, and would at least evidence the feeling of the State regarding this uncalled for delay.

#### LYNCHING.

I feel a profound regret in stating that since my incumbency of the Executive office, lynchings in two counties have caused the character and civilization of our people to suffer in the estimation of the world.

Human life has always been taken for crime. The difference between the savage and the civilized is that the latter resort to courts or established tribunals, so that when life is taken, it is the act of the law, and no individual is responsible therefor.

If we go back to the method of the savage in taking human life, where is it to end? Where are we to draw the line? First, lynchings were for assaults upon females; now it occurs for murder, and in some sections of the Union, we hear of it being resorted to even in cases of arson or theft. If it goes unchecked, it will spread to every cause, and the foundations of our social fabric be undermined, and mob law enthroned as the governing power.

A few men band together, outrage justice, trample upon society, destroy confidence in the ability of officials to do their duty, familiarize the people with brutality, commit murder, and fail of any beneficial results. To check such lawlessness is our highest duty; and to that end, the following recommendations are

made with the hope that the combined wisdom of the Legislature may suggest others:

In my judgment, Section 2396, R. S., should be so amended as to make not only a successful assault but even an "assault with intent," punishable with death; leaving it to the discretion of the jury in the latter event to recommend to mercy, or to inflict another punishment deemed by many even more potent than all others, and "best suited to the crime."

Our Constitution should be so amended as to have a Circuit Judge appointed for the State, who could be directed to hold court in any county where a necessity existed, whether that necessity was produced by unusual crime or by disability of the judge of the circuit.

Until such an amendment could be ratified, I would recommend that Section 1374, R. S., be so amended as to authorize the Governor to appoint and assign any of the Judges of the Circuit Courts to hold special terms of the court in any county, at such time or times as the Governor may direct, to try any criminal case that he may call to the attention of the judge and such other cases as the judge may deem proper to take up.

The law now gives the authority to the Governor to assign any Judge to hold regular or special terms at such places and such times as he may direct, but appears to confine the consideration of the Judge to any "cause pending in said court." The law should be so broadened in its scope as to leave no doubt of the authority of the Judge to take up and dispose of any new case.

Those who pretend to palliate the crime of mob law in such cases base their opinions largely upon the inadequacy of the punishment and delays in the trial.

Such amendments would fully meet those objections, and give emphasis to the constitutional provision that in "all criminal prosecutions, the accused shall have the right to a speedy and public trial."

Many thoughtful citizens are said to be impressed with the conviction that commutations and pardons have been so freely granted as to shake public confidence, and serve as a stimulus to lynching. The future, it is believed, will be most carefully guarded against such supposed stimulants.

The law should require the sheriff who allowed a prisoner to be taken from the jail or his personal custody, or the custody of his deputy, to be removed and disqualified from ever again holding any similar position.

We should not rest satisfied because Florida suffers less in that direction than most of her sisters, but every possible method at the command of the law-making power should be exhausted in a determined effort to have no stain upon our fair name by mobocracy.

In addition, public sentiment should be awakened to the necessity of educating the popular mind to the necessities of observing the law. To that end, the public press, the teachers of the land, and all good citizens should unite. The press of our State has done noble work in that direction, and let the law-abiding and honor loving people sustain it, and with the cooperation of teachers, spiritual and clerical, and all who look to an elevated citizenship as the true solution of good government, join in the laudable effort to enthrone law and justice as the only governing forces that can sustain our social fabric. There should be no individual redress of wrong. There must be no lynching.

#### CONVICT LABOR.

The disposition of convicts is one of those ever recurring problems of our social system that has never yet received a satisfactory solution. Every State seems delving in the question, and views are advanced going from the theory of little mercy to the

criminal, on one extreme, to their sumptuous support at the expense of the tax-payer, on the other.

One State is reported to have gone so far as to preclude the convict from any labor. Such enforced idleness is not only the most cruel punishment, but it undermines the constitution and entirely unfits the convict for self support at the expiration of his sentence.

Labor is a necessity to the health of the convict, and self-sustaining labor the only means of preventing him from being an unreasonable burden upon the tax-payers of the Commonwealth. His labor should be so directed as to minimize competition with free labor, but labor he must.

Three methods have been resorted to in various States in the management of convicts: Confinement in a Penitentiary;—work on farms and in factories under State control;—and leasing to individuals.

Florida experimented with a penitentiary for eight years, from January 1st, 1869, to January 1st, 1877, when the United States arsenal at Chattahoochee was loaned to the State for that purpose. During those eight years the average number of convicts for each year, was 82, and the net cost to the State where the buildings were all loaned for the eight years amounted to \$234,473.30. The net annual average cost per capita, for each convict, was about \$357.00. As we had on January 1st, last, 656 convicts, just eight times as many as the average for those eight years, the cost to the State at the same rate would be \$234,473.30 per annum. Making legitimate deductions for a more economical management, the amount would still be so great that it would be a serious burden upon the tax-payers of the State.

Owing to the fact that five-sixths of our convicts are sentenced for less than two years, and two-thirds of them for one year and under, and largely of a race

not characterized as yet by a superior capacity for invention, or manufacturing industries, it is doubtful if a penitentiary on the plan of many in Northern States could be managed so as not to be a heavy burden upon the people.

Owing to this condition, many of the Southern States, are looking to agriculture as furnishing the best solution of the problem, and some of them report successful results. In the South, the best penologists hold that agricultural labor should at least be a factor in the solution of the problem.

Working the State convicts on the public roads has also advocates. When we analyze the theory of the State's taking 700 convicts, and entering upon the suggestion of working them upon the public roads, and furnishing food, clothing, implements, teams, guard, medical attention, and erecting quarters and hospitals to be frequently changed, we begin to comprehend the magnitude of the undertaking. The work could be extended only over a limited section during a year, and the large cost to be borne by taxation of all, would be very heavy. It would involve an expenditure of not less than \$200,000.00 annually, and it is very doubtful if the same results could not be procured by free labor for a similar expenditure.

The counties now have the right to work the county convicts upon the public roads of the county, and can so utilize this labor whenever desirable. If any county wishes the labor of all the convicts sentenced from the county, or wishes to lease others for the laudable purpose of road improvement, there seems no good reason why the desire should not be realized.

The best experts in Georgia are reported in the press to have reached the conclusion that road working by State convicts under State supervision and State control would be impracticable, and express the belief that such con-

victs worked on farms, with mills and shops adjacent, would be the best system.

There is a unanimity of opinion that persons under 16 years of age should not be kept with older and more hardened criminals. The State owns about nineteen hundred acres of land connected with the Asylum, and it would be well to consider if a portion of it might not be profitably used for a farm where youthful convicts, as well as the females sentenced, could not be made self-sustaining. It would afford an opportunity for a school of reformation, in all respects desirable, and at the same time add no expense to the State.

The lease system has many objectionable features, but it should be borne in mind that the lease system in Florida and the lease system in other States, where the convicts are kept at work under the earth in mining operations, are entirely distinct so far as the health of the convicts is concerned. Here the work is in the open air, and, it is believed, they are in better condition and better provided for than under a similar system in any other State.

The question is one of great magnitude, and unless the Legislature can find some well-defined system that will secure certain improvement without too great an expense, it would be better to select a commission to take the whole question into consideration and report to the next Legislature. Let us have no hasty action that may produce future regrets.

The proceeds arising from the hire of convicts are distributed semi-annually between the counties in proportion to the number from each county. From November 5th, 1895, to February 18th, 1896, \$27,472.16 was so divided. The amount received by each county, as well as full detailed report of convicts, will be found in the report of the Commissioner of Agriculture.

The State should have an agent, whose duty should be to visit each camp at least six times every year, and not

only have power to prepare and bring meritorious cases before the Pardoning Board, but look carefully to the management and treatment of the convicts, and see that the contracts with the lessees are fully complied with.

It is respectfully recommended that the scope of the present law (Chapter 4390, Acts of 1895) be so enlarged as to meet these requirements, and that the compensation of the agent be proportionately increased, to be paid out of the fund arising from the hire of convicts.

In my judgment, the physicians at the camps should be employed and paid by the State, the salaries to be paid out of the convict fund. Such physicians could have supervision over the hygienic and sanitary condition of the camps, and make regular reports to the Commissioner of Agriculture.

#### FLORIDA FISHERIES.

Of the many resources of Florida none present so great possibilities as the fish and oysters, which may be grown in our inland waters, and in waters contiguous to the State. Our twelve hundred miles of sea-coast of shallow water and sandy bottom, our many estuaries and streams making into the sea, furnish inviting ground for the natural hatching and protection of young fish. Extending out into the water for a hundred miles or more, is the best of feeding-ground, where the fish may mature. This feeding ground is more than three times the area of our State. From this extended and fertile feeding-ground the fish, hatched on our coast and in our estuaries and rivers, come back when they are at their best, to be caught for food for man and for fertilizers for our fields. Experiments in fish-culture demonstrate that each acre of water may be made to produce more food for man than can be grown on three acres of well-cultivated land. With these factors before us, we could increase the productive area of our State ten-fold, so that, instead of having control of nearly 58,000

square miles of productive area, we can, by rightly managing such a trust, have control of what is equal to 600,000 square miles of food-producing land.

The coast of Florida is so located as to be contiguous to the richest feeding-ground the sea offers to fish. All the streams in the wide area of a larger part of the United States, Mexico and Central America are pouring their waters into the Gulf of Mexico and the Caribbean Sea. These waters are freighted with the waste organic matter, furnishing abundant food for animal life. The temperature of the waters of both the Gulf of Mexico and the Caribbean Sea is most favorable to the development of the lower orders of animal life. The animalculae and smaller fish, fed upon this abundant supply of food, come, in their turn, to be food for larger fish. The Gulf Stream, originating in the Caribbean Sea, sweeping through the Gulf of Mexico and around the entire coast of Florida, helps to bring to our very doors this vast food-supply.

Florida, also, is the only State having a sponge fishery, which is one of the prominent branches of the fishing industry.

The water resources within the borders and along the shores of the State will always be the chief reliance of a large portion of our population. I have no data as to the number dependent upon the fish supply from inland or fresh waters. It is estimated that there are now at least 7,000 persons actually engaged in saltwater fishing, which, with the usual estimate for families, would make a population of 35,000 directly interested.

The total investment for fishing purposes in salt waters is placed at \$1,329,937.00, with a total annual production valued at \$1,209,725.00. These figures are taken from a report of a recent investigation by the United States Fish Commission, which gives the nine leading items as follows: Sponge, \$363,107.00; mullet (fresh and salted), \$284,773.00; snappers, \$155,346.00; oysters, \$61,723.00;

pompano, \$37,893.00; turtles, \$28,503.00; trout, \$27,170.00; mullet roe, \$25,961.00; Spanish mackerel, \$21,455.00.

The report of the Commission asserts that if the supply of mullet—the most important of the State's fishery products—is to be maintained, it will be necessary to enforce a close season covering its principal spawning period. The report also recommends stringent legislation against the destruction of turtle eggs, and a minimum limit of weight for turtles that are taken, as this valuable product is being rapidly exterminated.

The Commission also recommends the adoption of methods of artificial sponge culture, and five inches as the minimum size of sponges which may be lawfully taken.

Efforts should be made to secure a Government hatching and experiment station on our Gulf and Atlantic coasts, and an appropriation made by the State for a Fish Commissioner to look specially after the fish interest of the State.

Under our laws the sheriffs are made fish bailiffs to enforce their provisions, but there is no certain or adequate compensation for such difficult and oftentimes expensive work. The remuneration should be certain and adequate, both for the enforcement of the laws regarding the illegal catching of fish, as well as those prohibiting the killing of game.

I commend the entire question to your earnest consideration.

#### PROTECTING GAME.

A movement has been inaugurated to secure more suitable and stringent legislation to protect the game birds and animals of Florida. Many States are now lamenting postponing such legislation too long, and are endeavoring to correct the error by closing the killing season for a number of years.

The useless and wanton slaughter of the game in the State has been going on for years, and unless checked.

by stringent and suitable legislation, one of Florida's many attractions and useful resources will be lost. To have the prompt enforcement of laws protecting game and fish, however, it is necessary to secure to the officer proper remuneration for this character of work.

#### INSANE ASYLUM.

It is gratifying to note improvement and progress in this beneficent charity. The capacity of the institution has been more than doubled since the adjournment of the last Legislature, and many comforts supplied.

The sewerage system has been extended and the sanitation and hygiene improved. The water supply is ample, and the heating of the various buildings through a central steam plant adds to comfort and personal safety.

Authority has been given the Superintendent to at once establish a dairy plant; both as a matter of convenience and economy.

The Commissioners of State Institutions have been desirous of securing an electric light plant, and it is hoped that the Legislature will make an appropriation of \$2,800 for that purpose. The advantages of this method of lighting the institution will readily suggest themselves to all.

The Asylum had, at the close of the year, 373 inmates under treatment. Of this number, there were white males, 106; white females, 97; colored males, 88; colored females, 82.—Total, 373.

The general health of the inmates has been good, and every possible precaution taken for the prevention of disease.

The medical department is supplied with necessary medicines, etc., and the general results obtained attest the efficiency of the department.

In February last Assistant State Health Officer Dr. J. L. Horsey was requested to visit and inspect the institution. In his report Dr. Horsey says:

"I found the general health of the inmates good and the sanitary state of the buildings and grounds as nearly perfect as possible. I think the State of Florida and the Board of State Institutions are to be congratulated in having this institution in such perfect condition."

For detailed information regarding the Asylum I would respectfully refer you to the reports of the Superintendent and the Physician.

#### STATE BOARD OF HEALTH.

The State Board of Health was organized under an act of the Legislature approved February 20th, 1889, and consequently has been in operation eight years. The people of the State have thus had opportunities to examine and consider the benefits to be derived from the Board's supervision and labor for their physical betterment.

The resolutions, therefore, adopted by the different political parties in their State conventions last summer, when appealing to the people for popular support, must be conclusive evidence of the confidence felt in the Board, and a demand for the continuance of its important mission.

In all sections of the State where the State Board has legal control, a confidence is felt that our population has the best security against the possibility of epidemics and the numerous evils resulting therefrom.

Florida stands in the front rank of the healthiest States in the Union, and it is gratifying to note that the past year presents a record that emphasises that fact.

I invite your careful attention to the reports of the President of the State Board of Health and the State Health Officer, and ask for the recommendations contained in said reports your earnest consideration.

Efficiency in administration is the paramount principle for a State Board of Health and necessary to secure the full fruition of such an institution; but a divided responsibility and thorough efficiency never go hand in hand.

## STATE TROOPS.

Under authority of our Constitution, the Legislature, in 1887, provided that "there shall be organized in this State a body of State militia composed of volunteer companies, known as the Florida State Troops."

This act was amended in 1891, and limited the force to twenty companies of infantry, each company consisting of twelve officers (commissioned and non-commissioned) and not more than fifty-two privates. It also provided for two batteries of artillery, each battery consisting of ten officers (commissioned and non-commissioned) and not more than thirty-two privates. This would make a maximum force of 1,364 men, in addition to staff and general officers. The actual enrollment shows the number to be 1,102 men.

The State troops received many encomiums from the United States Army officers detailed for their instruction at the encampment in 1896, and it is gratifying to note that Florida has a citizen soldiery well drilled and well behaved, and with a pride in the good standing of the force. They are worthy of the generous consideration of the people and their representatives.

Owing to our extended sea coast, it may be well to consider if Florida should not follow the example of other States similarly situated, in organizing a naval militia in order to have trained men to man coast and harbor defense vessels in an emergency. Beyond that, there seems to be no necessity for an increase in our military organization. My convictions are that we will have the highest efficiency by the State's fully providing for the troops we have, rather than by an increased number with less ability to provide for them the requisites of deserving soldiers.

Florida has now a larger per capita average of enrolled men than exists in the other States of the Union.

General Miles, commanding the United States Army, in his last report to the Secretary of War recommended that the strength of the regular army be placed at one soldier

to every two thousand inhabitants as a minimum, and one soldier to every one thousand inhabitants as the maximum, to be determined by the President according to the necessities of the country. Florida now has in her volunteer force one soldier to every four hundred and twenty-five inhabitants. There are no pressing circumstances that, in my judgment, warrant an increase.

#### CONVENTIONS.

Three important national conventions have assembled in our State during the first two months of the present year.

The National Tobacco Grower's Convention assembled at Ocala on January 12th. Delegates from a large number of States were present; and the papers submitted, and the discussions evoked, were of a high order, and necessarily awakened a lively interest in one of the foremost business interests of our State, and one destined to bring large pecuniary gains to our citizens.

On January 20th, the South Atlantic and Gulf Coast and Harbor Defense Convention assembled at Tampa. Twenty-two of the States were represented, and no convention ever assembled in the country, where the delegates bore evidence of a higher order of intelligence and qualifications for their work. Representatives from the Interior vied with those from the Sea Ports, while both united with those from the Army and Navy to emphasize the demand of the people that our Coast and Harbors be placed in a condition of defense commensurate with our position among the leading governments of the world. A permanent organization, composed of prominent men from the respective States, was perfected, and the declarations of the Convention were received with profound attention throughout the country.

The National Good Roads Congress, which met at

Orlando on February 2nd, gave an impetus to a system of high-ways that experience is rapidly teaching is necessary to the full development and fruition of every community.

There is no interest that is not represented in the consummation of the work so auspiciously inaugurated at the Orlando convention.

The agricultural, moral, social, religious, educational and business interests of the country, are all greatly interested in the object to be attained—good roads—and this conclusion was manifested by the large number of delegates from many of the States of the Union.

These three highly important national conventions assembling in our State, necessarily brought Florida to the front, and their influence will be felt throughout the entire country.

#### STENOGRAPHERS.

It is proper to call your attention to the difficulty regarding the payment of stenographers.

When the Constitution was changed, and the legal costs and expenses, (including the fees of officers), were required to be paid by the counties in all criminal cases where the defendant was insolvent or discharged, it was thought by many that the State was no longer liable for the employment of stenographers provided for under Section 1,399, R. S. The Legislature also took this view, and made no appropriation for such services.

Since that period, the question has been passed upon by one or two Circuit Judges, and the State's liability affirmed. Under the circumstances many of the counties declined to pay stenographers, and, there being no appropriation, the State could not.

If the Legislature accepts the view that the State is responsible, then an appropriation will have to be made covering the past year, as well as for the future. It is due to the stenographers that some definite action should be taken.

## EXAMINATION OF ACCOUNTS.

Section 109, R. S., directs that the books, records, etc., of the Comptroller's office shall, at all times, be subject to examination by the Governor or any person or persons he may authorize to make such examination. The law should be amended so as to include the Treasurer's office, as at present the Governor has no legal right to have that office examined.

In my report as Comptroller, under date of January 1st, 1895, the necessity of having all offices examined by a State examiner was discussed and recommended. The same necessities exist to-day.

If, however, the Legislature will furnish a sufficient contingent fund, or authorize the Executive to expend a stated sum in such examinations, it would enable the Comptroller or Executive to have more than one man at a time in the work, and give an opportunity of having the entire State gone over with the least possible delay. It would cost no more during the year, but it would sooner accomplish the objects in view. It has become an imperative necessity in some counties, that such examinations should be promptly made to correct existing evils, and the services of more than one expert will be required in the commencement of the work.

The law (Section 414, R. S.), authorizes the Governor to designate an agent, on the request of the Comptroller, Treasurer, County Judge, or President or other member representing the Board of County Commissioners, to examine the books and accounts of county offices. It is respectfully suggested that the section be changed so as to allow the Governor to designate an agent, and have any officer's accounts and books examined whenever he deems it for the interests of the State or county to do so, and not be compelled to wait for a supposed defalcation before acting.

The frequent examination of the accounts of all officers who handle public moneys, would alone secure results that would more than compensate for the expense. It would properly attest the superior worth of the large number of efficient officers in the State, and stimulate others to follow their example.

## THE TREASURY.

On the 14th of January last the Merchants' National Bank of Ocala suspended, and the Treasurer informed me that he had about \$30,000.00 of tax certificate money in said bank, and that there had been no time since July, 1896, that he could have withdrawn the same.

The following note from the Treasurer is self explanatory, and it is hoped the Legislature will at once act upon the same and appoint a special committee with ample powers to send for persons and papers, employ experts, etc., in order that a full and thorough investigation may be had :

TREASURY DEPARTMENT, STATE OF FLORIDA, }  
 TREASURER'S OFFICE, }  
 TALLAHASSEE, March 27, 1897. }

HON. W. D. BLOXHAM,

Governor:

DEAR SIR—I most respectfully request you to ask the Legislature to carefully investigate the accounts of this office, and especially the circumstance of the loss of public moneys by the failure of the Merchants' National Bank of Ocala.

Yours truly,

C. B. COLLINS,  
 State Treasurer.

## SPECIAL LEGISLATION.

General incorporation laws have been provided by the State for the convenience of the citizen and the relief of the law making power. If there are any defects in said laws, or their general scope is not sufficiently enlarged, then let the omissions be cured by legislative enactment.

The practice, for years past, of consuming the time of the Legislature with special or private legislation is reprehensible. A cursory examination of the legislative journals and published volumes of our laws, will show the magnitude of the evil.

The expense of such private or personal legislation may be inferred when we remember that the Legislature costs from eleven to twelve hundred dollars per day; but the value of the time consumed, when the

public needs require constant consideration, cannot be estimated.

Some of the States require a tax or fee to be charged for all special or private legislation. If a law was at once passed, requiring a receipt from the Comptroller of the State, showing that the sum of five hundred dollars had been paid into the State Treasury before bills of this character could be introduced, we would at once have a cessation.

Why have general incorporation laws, if public legislation is to be delayed by continuous special applications for charters?

Why have a general banking law, if the law-making power is to be constantly appealed to for special and private acts?

To repeat: if the general laws are not sufficient, then make the necessary changes, and let the time of the Legislature be given to public business. If that time is claimed for private interests, then let such interests contribute to the expense.

#### SALARIES OF ADMINISTRATIVE OFFICERS.

Under the present law, the Attorney-General, Comptroller and Treasurer each receive a salary of two thousand dollars; while the Secretary of State, Superintendent of Public Instruction and Commissioner of Agriculture each receive fifteen hundred dollars.

It is difficult to see the wisdom of this distinction, and I respectfully recommend that the salaries of the Secretary of State, Superintendent of Public Instruction and Commissioner of Agriculture be placed at two thousand dollars each, with the proviso that all fees of every character legally coming to said officials, be paid into the Treasury each month, and a report of the amount, properly attested, be filed with the Comptroller.

#### VISITING COMMITTEES.

Several years ago, a bill was introduced in the House for the purpose of securing appropriate committees to visit the public institutions of the State before the meeting of the Legislature. Such legislation would be wise.

Committees now leave the two Houses during the

session for such investigation. The members are thus taken from their legitimate duties, their examinations are frequently hasty, and their reports generally received too late to secure deserved consideration and the remedial legislation which they suggest.

If the Board of Commissioners of State Institutions, or some other authority, was authorized to select committees from the members of the Senate and Assembly of the elected Legislature, to discharge this duty between January 1st and April 1st, more thorough examinations could be made, and desired legislation digested and ready for the consideration of the Legislature when convened.

#### OFFICIAL BONDS.

The delays and frequent failures to collect from official bonds when an official is delinquent in his settlements with the county and State, have caused many conservative citizens to suggest that the Constitution be so amended as to allow the Legislature, under proper restrictions, to authorize official bonds to be made by Guarantee Companies who could legally do business in the State, and have sufficient securities here to make good their guarantees.

#### FLORIDA'S RESOURCES.

Numerous calls are made from every section of the Union, and frequently from foreign lands, for information regarding Florida. The State has not had a publication since 1883 that claimed to give the information desired; and county pamphlets, giving the resources, etc., of a few of the counties, have been all that could be supplied.

Florida is the most resourceful of all the Southern States, and should have, to meet the pressing demand, a suitable publication to show the progress already made and the possibilities presented for development in the future.

With a small appropriation, I feel confident that a publication could be secured that would be of material benefit to the State.

#### WATER HYACINTHS.

The upper portion of Florida's great river, the St.

Johns, has become so infested with the water Hyacinths that not only are the large logging and fishing interests seriously impaired, but navigation is threatened.

Congress will doubtless take steps looking to the eradication of this aquatic plant, but stringent legislation upon the part of the State is thought to be required to prevent the pest from being carried to other waters in the State.

A bill making it a criminal offense for any person to transport the plant, or its seed, to any of the waters of the State, will doubtless receive your attention.

#### TENNESSEE CENTENNIAL.

The State of Tennessee will celebrate the one hundredth anniversary of her admission into the Union by an International Exposition, which opens at Nashville on the first of May, and will continue for six months.

Hon. A. W. Willis, Commissioner General, in his earnest efforts for the Exposition, expresses the hope that Florida will appoint a Commission to evidence the interest felt by our citizens in the welfare of a sister State, by encouraging and promoting exhibits by the State, and her citizens, of our commercial, manufacturing, industrial, educational and artistic interests.

I can but entertain a most friendly feeling for Tennessee in her patriotic efforts to secure an appropriate celebration, and commend the subject to your favorable consideration.

#### PEABODY STATUE.

In 1867, Mr. George Peabody left in the hands of Trustees a large sum of money to be used for "the educational needs of those portions of our beloved country which have suffered from the destructive ravages and not less disastrous consequences of civil war."

A generation has passed since this bequest, and more than \$2,500,000.00 has been disbursed among the Southern States. Florida has received about \$70,000.00, and the work of aiding these States with their school systems goes on with increasing benefit.

The Legislature of South Carolina, last year, most patriotically initiated a movement to place in the Statuary Hall of the Federal Capital, among our country's heroes and statesmen, a statue of Mr. Peabody, in grateful memory of his great philanthropy.

I have been requested to call the matter to the attention of our Legislature, and ask that Florida participate in the work. I do so with great pleasure, feeling that it is a work which will commend itself to your gratitude and your patriotism.

#### PROTECTING FRUIT GROWERS.

Florida is vitally interested in the protection of her fruit interests, and whatever legislative assistance can be given in the direction of securing immunity from insect and fungous pests, should be enacted. Many of the States have already taken steps in that direction with the most satisfactory results.

The fruit industries of Florida are destined to be one of the great monetary resources of the State, and the growers who, daily, are investing large amounts of money, labor and skill in the rebuilding and propagation of these valued interests to the State, both public and private, should be both protected and informed as to the use of the best known means and remedies against fungous and insect pests.

The necessity of legislation develops when one or two persons in a neighborhood, as I am informed has been the case, refuse to destroy infested shrubbery, or to use remedies to destroy insect pests upon their citrus trees, and thereby allow their trees or shrubbery, or both, to become the means of again propagating a pest detrimental to all.

Legislation is required in such cases, to protect real fruit growers against the indifference of careless neighbors.

Whether it is better to have a State Entomologist, under the direction of an administrative officer, or to place the matter under the control of the authorities of the Agricultural College, where there is already a department to investigate vegetable diseases and insect pests, is worthy of your consideration.

A bill will doubtless be presented by a committee of the State Horticultural Society looking to a proper

protection of our fruit interests, and will of course receive the attention its importance merits.

In the same law, and through the same agency, provision could be made to secure adequate protection against the careless apiarist, and save the honey producers from the ravages of diseases destructive to this interest.

Florida now produces hundreds of tons of honey, and as much as forty-one thousand pounds has been taken from 116 colonies. In addition, great quantities of the finest bees-wax is secured, and a large interest promised in shipping queens to the North. The business is capable of great development if proper steps are taken to encourage it.

The leading honey producing States of the Union, as well as Canada, have laws looking to its encouragement and protection, and the subject is worthy of your earnest consideration.

#### APPORTIONMENT.

I respectfully call your attention to Section 3, Article VII of the Constitution, which requires that the Legislature which meets in 1887, "and those that shall meet every ten years thereafter, shall apportion the representation in the Senate, the whole number of Senators not to exceed thirty-two members; and at the same time shall also apportion the representation in the House of Representatives, the whole number of representatives not to exceed sixty-eight members. The representation in the House of Representatives shall be apportioned among the several counties as nearly as possible according to population; provided, each county shall have one representative at large in the House of Representatives, and no county shall have more than three representatives."

#### TERMS OF CIRCUIT COURTS.

In two counties of the Fourth Judicial Circuit it was not thought necessary to hold the regular Spring term. No interest would have suffered, and a large expense both to the counties and the State would have been saved. An examination of the law, however, seemed to render it the duty of the judge to be present and hold such courts.

It would be well to authorize the judge of a Circuit

Court, upon recommendation by the County Commissioners and approval by the Governor, to dispense with a term of the court in any county in his circuit.

It is of course a useless expenditure of money to hold a term of court where there is no necessity for the same; and while the occasions may be few, yet such a law would be in the interest of a proper economy.

#### UNIFORMITY OF LEGISLATION IN THE UNITED STATES.

The Legislature of 1895 authorized the Governor to appoint three Commissioners for the promotion of uniformity of legislation in the United States, and Messrs. R. W. Williams, Jno. C. Avery and Louis C. Massey were appointed under said authority.

These gentlemen attended a conference of similarly appointed Commissioners at Detroit, Michigan, in August, 1895.

At that conference, a uniform bill relating to negotiable instruments was prepared and submitted to each Commissioner in the respective States, and others specially qualified to criticise it, and afterwards submitted to the ensuing conference of Commissioners held at Saratoga, New York, in August, 1896.

After thorough revision, the bill was agreed upon by the Commissioners on Uniform Law from thirty States, and recommended for adoption by the several States of the Union.

In their report, the Florida Commissioners state that the "act makes very few changes in the laws of this State, and in the Statute law only one it is believed, and that relating to the day of presentment, changing the same from the day 'preceding' to the day 'succeeding' a holiday." "To obtain the desired advantage of uniformity in the law, it is necessary that this bill should become a law without change and that all inconsistent statutes of this State should be repealed."

Aside from the great practical benefits in all the business relations of life, nothing tends more strongly to unite the people of an entire country than the expression in uniform laws of a common civilization.

The bill will be placed before the Legislature, and I commend it to your careful consideration.

## INCREASING LEGISLATION.

The progress of science, the development of invention and the pressing questions of social life have largely augmented the claims upon the commonwealth for additional safeguards and give evidence of a broader field and larger labors for the lawmakers of the respective States.

The modern civilization calls upon the State not only to protect persons and property from violence, but as far as possible from accident; to enforce municipal hygiene and protect with adequate quarantine; to save the public health from impure water and adulterated food; to check the disasters flowing from the use of adulterated drugs, alcoholic misuse and vicious stimulants; to see that the farmer, fruit grower, and gardener are not imposed upon in the purchase of fertilizers, and that the formulas of the best insecticides be furnished and their use enforced; to exercise a scrutiny over institutions where the citizen may deposit his earnings; to demand that private corporations asking public confidence and patronage are not fraudulently conducted; to see that other quasi public corporations receiving exclusive privileges shall give adequate return in good and reasonable service; to support courts of justice and restrain the vicious while offering opportunities of reformation to the youthful criminal; to secure schools with proper sanitary regulations for the preparation of the teacher as well as the education of the pupil; to assist the needy soldier suffering from the wounds or hardships of service; to furnish asylums for the afflicted, institutes for the unfortunate, homes for the orphan, shelter for the aged, refuge for the fallen.

## INCREASING EXPENDITURES.

Increasing expenditures are annually required for these growing demands, and when to these are added the vast amounts for insurance, municipal governments and the taxation by the Federal Government (none the less burdensome because collected indirectly), we begin to appreciate the sacrifice that tax-payers are called upon to make.

Florida with taxable resources, as assessed for 1896, of \$95,389,966.00 pays for the support of the Federal Government about \$3,500,000.00 annually.

During the year 1896 there was paid for insurance to

companies authorized to do business in the State \$1,239,-028.43. The losses during the same period were \$249,-795.45. This does not embrace the vast sums that go out of the State to various building and loan and investment companies, or to insurance companies not authorized to do business in the State.

The receipts of life insurance companies alone from this State for 1896 were \$587,741.38, while the losses only amounted to \$65,063.79. More money was paid by the citizens of the State for life insurance during the last year than was collected from the State tax and the license tax combined.

With these growing demands and enormous expenditures increased proportionately in the other States of the Union, do we wonder that the demand goes out that all wealth should bear its just proportion of taxation, and that many students of political economy are asking if the avenues to public revenue can not be legitimately extended to other channels.

#### REPORTS OF DEPARTMENTS.

I have the honor of transmitting herewith reports from the various departments, treating more fully of all the details connected with the operations of the State government for the last two years. These reports should receive careful examination, as they treat upon many important questions, and give a variety of information that it is impossible as well as unnecessary to embrace in this message.

I also transmit reports of all cases of fines or forfeitures remitted, and reprieves, pardons or commutations granted.

Trusting that your official actions may, under the guidance of an All-Wise Providence, further tend to the development and prosperity of the State, I have the honor to remain,

Very respectfully,

W. D. BLOXHAM.

Mr. Palmer of 14th moved that 150 copies of Senate Bill No. 11 be printed for the use of the Senate.

Mr. Palmer of 14th withdrew the motion.

By permission—

Mr. Reeves introduced:

Senate Bill No. 12:

A bill to be entitled an act to amend section 1 of chapter 4019 of the Laws of Florida, the same being an act entitled an act to amend section 2 of an act approved February 28, 1893, entitled an act to prescribe a mode whereby counties may erect court houses and other buildings, approved May 4th, 1891;

Which was read the first time by its title.

By permission—

Mr. Palmer of 14th introduced the following Concurrent Resolution:

Senate Concurrent Resolution No. 9:

Resolved by the Senate, the House of Representatives concurring, That a committee of two from the Senate and two from the House of Representatives be appointed to visit the Florida Agricultural College, East Florida Seminary, West Florida Seminary, and the South Florida Military Institute, and examine the records, books, management, control and general condition of said institutions, and report their findings to their respective bodies;

Which was read the first time, and laid over under the rules.

## Consideration of Resolutions.

Senate Concurrent Resolution No. 1:

Resolved, the House concurring, That a committee consisting of two members from the Senate and three from the House be appointed to examine the books, accounts and records of the office of the Commissioner of Agriculture, and they be allowed to employ such clerical aid as they may find necessary,

Was taken up and read the second time,

Mr. Adams moved the adoption of the resolution;

Which was agreed to.

Mr. Adams moved that the rules be waived, and that Senate Concurrent Resolution No. 1 be at once communicated to the House;

Which was agreed to by a two-thirds vote, and it was so ordered.

## Senate Concurrent Resolution No. 2:

Resolved, the House concurring, That a committee consisting of two on the part of the Senate, and three from the House be appointed to investigate the books, receipts and accounts of the Comptroller and Treasurer, and they are authorized to employ such clerical aid as will enable them to make their regular investigation,

Was taken up and read the second time.

Mr. Gaillard moved to amend the resolution by striking out the words "and Treasurer."

Pending which—

Mr. Dougherty moved that the Senate adjourn until 10 o'clock to-morrow morning;

Which was agreed to.

Thereupon the Senate stood adjourned until 10 o'clock to-morrow.

## THURSDAY, APRIL 8, 1897.

The Senate met pursuant to adjournment.

The President in the chair.

The roll being called, the following Senators answered to their names:

Mr. President, Messrs. Adams, Barber, Blich of 20th, Blich of 21st, Broome, Bynum, Carson, Chipley, Clark, Crosby, Daniel, Darby, Dimick, Fuller, Gaillard, Hartridge, Hooker, Myers, McLin, Palmer of 11th, Palmer of 14th, Peacock, Phipps, Reeves, Roberts, Wadsworth and Williams—28.

A quorum present.

Prayer by the Chaplain.

On motion the reading of the Journal was dispensed with.

Mr. Broome moved that the Journal be corrected to show that Mr. Chipley withdrew Senate Concurrent Resolution No. 7, introduced by him, and a substitute for which was introduced by Mr. Broome;

Which was not agreed to.

The Journal was then approved as printed.

A message was received from the House of Representatives.

The President announced the following as the Standing Committees of the body: